

**REMARKS/ARGUMENTS**

In response to the Final Office Action mailed April 7, 2005, Applicants submit this Amendment along with a one-month extension of time. A listing of all pending claims is submitted herewith.

In the Office Action , the specification and claim 12 are objected to because of informalities. Claims 1, 3, and 14 are rejected under 35 U.S.C. § 112, second paragraph for indefiniteness. Claims 1-6 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,395,030 to Kuramoto *et al.* (hereinafter "Kuramoto). Claims 1-6 and 11 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,159,146 to El Gazayerli (hereinafter "El Gazayerli") in view of Kuramoto. Claims 16 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kuramoto in view of U.S. Patent No. 6,693,968 to Cherry *et al.* (hereinafter "Cherry"). Claims 12-16 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over El Gazayerli in view of Kuramoto and further in view of U.S. Patent No. 5,609,561 to Uehara *et al.* (hereinafter "Uehara").

By this Amendment, the specification has been amended. Claims 1, 3, 12 and 14 have been amended. Claim 8-10 have been cancelled. The amendments to claims have been made to advance the application to allowance, and entry of the amendments is requested. No new matter is being submitted in this Amendment. Reconsideration and allowance of the claims, in view of the above-requested amendments and the following remarks is respectfully requested.

**A. The Objections to the Specification and Claims Should Be Withdrawn**

The detailed description of the specification has been amended to provide a reference to Fig. 9C in the BRIEF DESCRIPTION OF THE DRAWINGS. Claim 12 has been amended to correct a typographical error. Withdrawal of the objections is requested.

**B. The Claims are Not Indefinite**

Claims 1, 3, and 14 are rejected under 35 U.S.C. § 112, second paragraph, (b) as being indefinite. By this Amendment, claims 1, 3, and 14 have been amended. It is respectfully requested that the rejection of claims 1, 3, and 14 under 35 U.S.C. § 112, second paragraph, be withdrawn.

**C. The Claims Are Not Anticipated by Kuramoto**

Claims 1-6 and 8-15 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Kuramoto.

Claim 1, as amended, recites, in part, “an endoscope comprising ... two or more separate optical channels that produce two or more distinct views, each of said optical channels comprising an objective lens, located at a distal end of said respective optical channel ... wherein the objective lens of the separate optical channel, which produces the first of said distinct views is located at a first location,... and the objective lens of the optical channel, which produces the second of said distinct views is located at a second location, ... wherein the distance between said first location and said second location, measured along the longitudinal axis of said endoscope, is fixed.”

In contrast, Kuramoto describes an observation window 122 mounted on a first component, *i.e.*, the distal-end face of the flexible insertion section 137 of the main unit 136. A

second observation window 144 is located in a second component, *i.e.*, in the distal end portion 143 of auxiliary unit 141. The insertion section 142 of auxiliary unit 141 is an elongated shaft, which is moveable through a working channel 139 of main unit 136. (See, Kuramoto, *e.g.*, Figs 22 and 23, col. 16 line 53 – col. 17, line 65.) Since auxiliary unit 141 is longitudinally moveable with respect to main unit 136, Kuramoto neither discloses nor suggests that the distance between first observation window 122 and second observation window 144 along the longitudinal axis of the stapler/endoscope is fixed. Accordingly, claim 1 is not anticipated by Kuramoto.

Claims 2-6 and 8-15, which depend from claim 1, are allowable at least for the reasons discussed above concerning claim 1. It is respectfully requested that the rejections of claims 1-6 and 8-15 under 35 U.S.C. § 102 (b) as being anticipated by Kuramoto, be withdrawn.

**D. The Claims Are Not Obvious**

Claims 1-6 and 11 are rejected under 35 U.S.C. § 103 as being unpatentable over El Gazayerli in view of Kuramoto

As discussed in Applicant's response of January 3, 2005, El Gazayerli discloses a flexible conduit 12, which is introduced transorally into esophagus, through which numerous shafts comprising various instruments are introduced into the lower esophagus and stomach. One of these shafts is a conduit 12. A second is a gastroscope comprising a viewing device 14. A third is a fastening device 16, which comprises a supply of fasteners in fastener applicator 20. A fourth is a gripper mechanism 22 comprising the anvil surface 40. All of the components 12, 14, 16, 20, and 22 are all longitudinally moveable with respect to one another. As discussed

above, the two optical systems of Kuramoto and are likewise moveable with respect to one another along the longitudinal axis of the device.

The teachings of Kuramoto do not make up for the deficiencies of El Gazayerli. The proposed combination of the teachings of Kuramoto and El Gazayerli does not disclose or suggest an apparatus in which the distance between a first location of an objective lens of a first optical channel and said second location of an objective lens of a second optical channel, measured along the longitudinal axis of said endoscope, is fixed. Accordingly, claim 1 is not believed obvious in view of the proposed combination.

Claims 2-6 and 11, which depend from claim 1 are also believed nonobvious over the cited references, at least for the reasons discussed above concerning claim 1. It is respectfully requested that the rejection of claims 1-6 and 11 under 35 U.S.C. § 103 be withdrawn.

Claims 16 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kuramoto in view of Cherry. Claim 16 depends from claim 1, and is also believed nonobvious over the cited references, at least for the reasons discussed above concerning claim 1. For example, the teachings of Cherry do not make up for the deficiencies of Kuromoto. The proposed combination of the teachings of Kuramoto and Cherry does not disclose or suggest “an endoscope comprising ... two or more separate optical channels that produce two or more distinct views, each of said optical channels comprising an objective lens, located at a distal end of said respective optical channel ... wherein the objective lens of the separate optical channel, which produces the first of said distinct views is located at a first location,... and the objective lens of the optical channel, which produces the second of said distinct views is located at a second

location, ... wherein the distance between said first location and said second location, measured along the longitudinal axis of said endoscope, is fixed.” It is respectfully requested that the rejection of claim 16 under 35 U.S.C. § 103 be withdrawn.


Claims 12-16 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over El Gazayerli in view of Kuramoto and further in view of Uehara. Claims 12-16, which depend from claim 1, are also believed nonobvious over the cited references, at least for the reasons discussed above concerning claim 1. The teachings of Cherry do not make up for the deficiencies of Kuramoto. For example, the proposed combination of the teachings of Kuramoto and Cherry does not disclose or suggest The proposed combination of the teachings of Kuramoto and Cherry does not disclose or suggest “an endoscope comprising ... two or more separate optical channels that produce two or more distinct views, each of said optical channels comprising an objective lens, located at a distal end of said respective optical channel ... wherein the objective lens of the separate optical channel, which produces the first of said distinct views is located at a first location,... and the objective lens of the optical channel, which produces the second of said distinct views is located at a second location, ... wherein the distance between said first location and said second location, measured along the longitudinal axis of said endoscope, is fixed.” It is respectfully requested that the rejection of claims 12-16 under 35 U.S.C. § 103 be withdrawn.

**CONCLUSION**

In view of the above amendments and remarks, Applicant believes that the application is in condition for allowance.

Respectfully submitted,

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